

REMARKS

The amendment of claim 17 was not entered because it did not comply with 37 C.F.R. § 1.121(e). Claim 17 has been cancelled. Claim 26 has been added in a manner in compliance with 37 C.F.R. § 1.121(e).

The drawings were objected to because they did not include certain reference signs mentioned in the description. The drawings and/or specification have been amended to overcome these deficiencies.

The specification was also amended to overcome the specific objection raised by the Examiner. In addition, the specification was objected to under 35 U.S.C. § 112, first paragraph, for the reason that it allegedly does not provide support for the invention that is now being claimed. Applicants respectfully traverse this objection. For the reasons given in Applicants' previous responses filed in connection with parent Reissue Applications Serial Nos. 08/002,090 and 07/775,418, particularly the Amendment filed on April 12, 1994 (in connection with parent Reissue Application Serial No. 08/002.090), Applicants believe that there is adequate support in the specification for the movable quench invention, now claimed in claim 26. In particular, Applicants believe that the disclosure adequately supports Applicants' claim for a quench including the structure of claim 26, which includes longitudinally extending upper and lower spaced-apart quench tubes, means for moving the quench tubes to generally conform to a glass sheet located therebetween and means to supply quenching gas through the quench tubes to uniformly temper the glass sheet. For these reasons, claim 26 is believed to satisfy the requisites of 35 U.S.C. § 112, first paragraph.

Claims 1-17 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Claims 7, 9, 10, 12,

and 14 have been amended, and are believed to satisfy the requisites of § 112. Applicants respectfully traverse the Examiner's rejection under § 112 of claims 1, 2, 4, 6, 13, and 15. These claims are believed to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, notwithstanding the Examiner's suggestions. It should be noted that these claims have previously been reviewed and were allowed to issue in their current form.

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by Reunamaki et al., U.S. Patent No. 4,881,962. The '962 patent is not prior art under 35 U.S.C. § 102(e), since Applicants' U.S. Patent No. 4,883,557, the subject of this Reissue application, claims a priority date of August 7, 1987, as a continuing application of U.S. application Serial No. 83,675 (now U.S. Patent No. 4,822,398). The '962 patent was filed in this country on September 22, 1987, *after the effective filing date of Applicants' Reissue application.*

Nevertheless, Applicants believe that the present claims patentably distinguish over the '962 patent. Reunamaki '962 discloses an apparatus for bending a glass sheet about an axis of curvature transverse to the direction of conveyance of the glass sheet, including an array of conveyor rolls carried by support members that are interconnected and adapted to be moved vertically on their supports to curve the glass sheet about an axis of curvature transverse to the direction of conveyance of the glass sheet. Reunamaki, however, neither discloses nor suggests Applicants' claimed invention. In particular, Reunamaki neither discloses nor suggests a glass bending and tempering apparatus comprising a deformable first platen including quench openings throughout the extent thereof, a second platen having quench openings throughout the extent thereof and opposing the first platen, and a constrainable actuator. In fact, Reunamaki teaches away from Applicants' invention in that he rejects the viability of bending the glass sheet about an axis of

method  
steps  
not claimed

curvature that is parallel to the direction of conveyance of the glass sheet.

Claim 1 was also rejected under 35 U.S.C. § 102(b) as being anticipated by Bocelli et al., Patent No. 4,540,425. Claim 6 was also rejected, under 35 U.S.C. § 103 as being obvious in view of Bocelli et al. Bocelli discloses an apparatus for bending and tempering glass sheets which includes a series of horizontal rolls which can be adjusted, off line, to conform to a template of desired curvature to bend glass sheets about a radius of curvature that is transverse to the direction of conveyance. Bocelli neither discloses nor suggests a glass bending and tempering apparatus wherein movable platens move with the glass sheet located therebetween to bend and thereafter temper the glass sheet. For these reasons, claims 1 and 6 are both believed to be patentably distinguishable over the cited art.

New claim 26 is also believed to patentably distinguish over the cited art, and consideration and allowance is respectfully solicited.

Claims 1-17 were rejected as being based upon a defective reissue oath/declaration under 35 U.S.C. § 251. Applicants respectfully traverse this rejection. The Fourth Substitute Reissue Declaration particularly specifies the errors and how the errors relied upon arose (see, for example, paragraph 4A-J, 5A-C, 6 and 6A-C). The Fourth Revised Oath and Declaration also includes an acknowledgement by the Applicants that they have reviewed and understand the contents of the application, as well as an acknowledgement of their duty to disclose material information (see first paragraph following paragraph #8 on page 5). Finally, the invention, as claimed in claim 26, is not a new invention, since it is fully supported by the specification for the reasons explained in Applicants' prior amendments filed in connection with parent Reissue Applications Serial Nos. 08/002,090 and 07/775,418, particularly the Amendment filed

on April 12, 1994 (in connection with parent Reissue Application Serial No. 08/002.090).

Finally, the foreign references (i.e., Finland '313, German '451, and Europe '892) are believed to be relevant for the following reasons:

- The Finland '313 reference is believed to be the priority document to U.S. Patent 4,881,962, issued to Reunamaki et al. (previously cited by Applicants and considered in this Reissue application);
- The EP'892 patent is believed to be similar, if not identical in its disclosure to U.S. Patent 4,604,124, issued to Strauss (also cited and considered in this Reissue application); and
- German '451 is the priority document of U.S. Patent No. 4,723,983, issued to Erdmann et al. (which has been cited and considered in this Reissue application).

Consideration of these cited references is respectfully solicited.

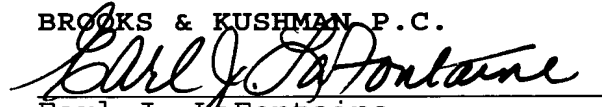
In summary, reconsideration and allowance of claims 1-16, and consideration and allowance of claim 26 is respectfully solicited.

The Examiner is urged to contact the undersigned attorney by telephone to discuss any matters pertaining to this reissue application if he believes it would be useful and/or expedient.

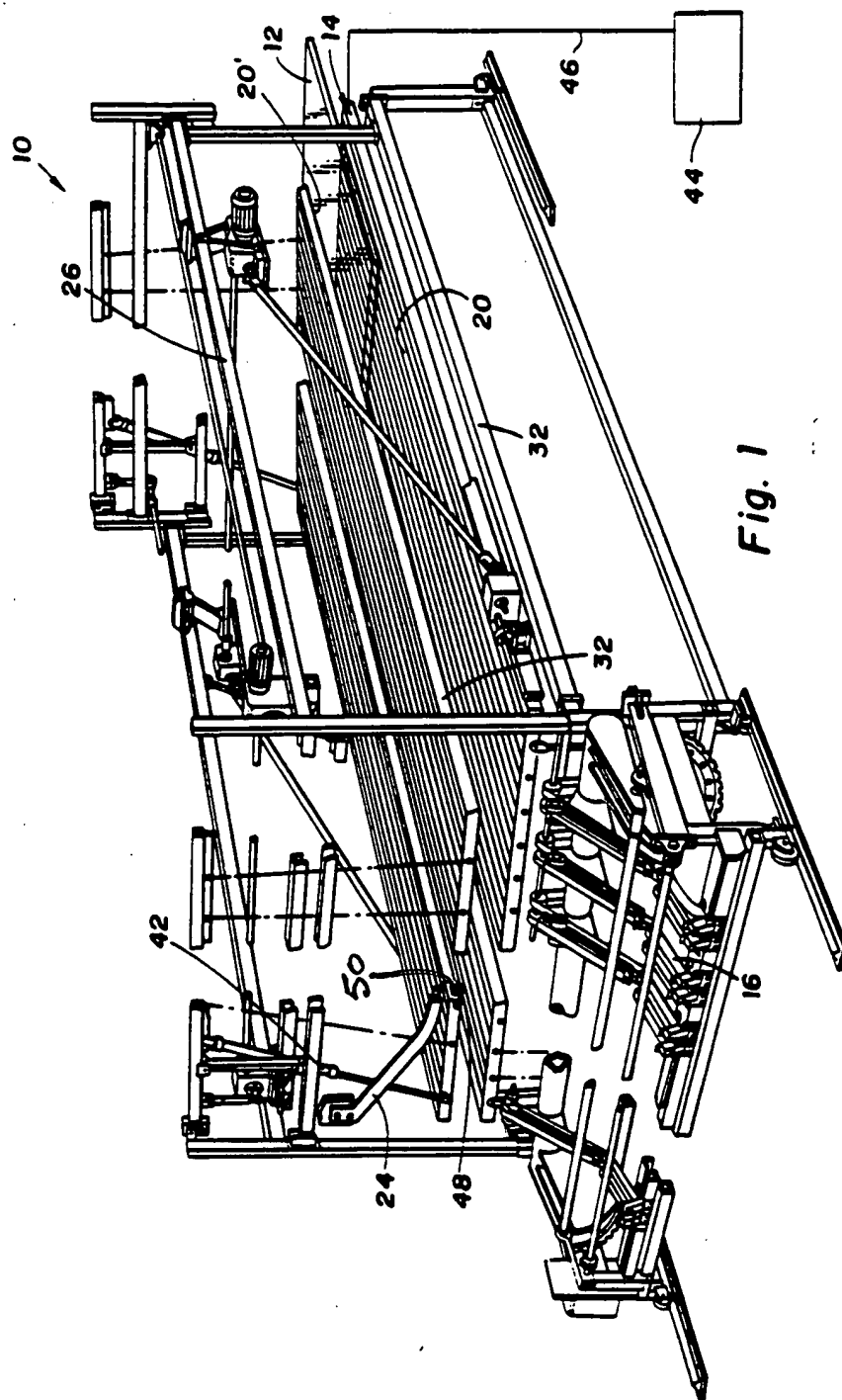
Respectfully submitted,

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Drawing correction approved  
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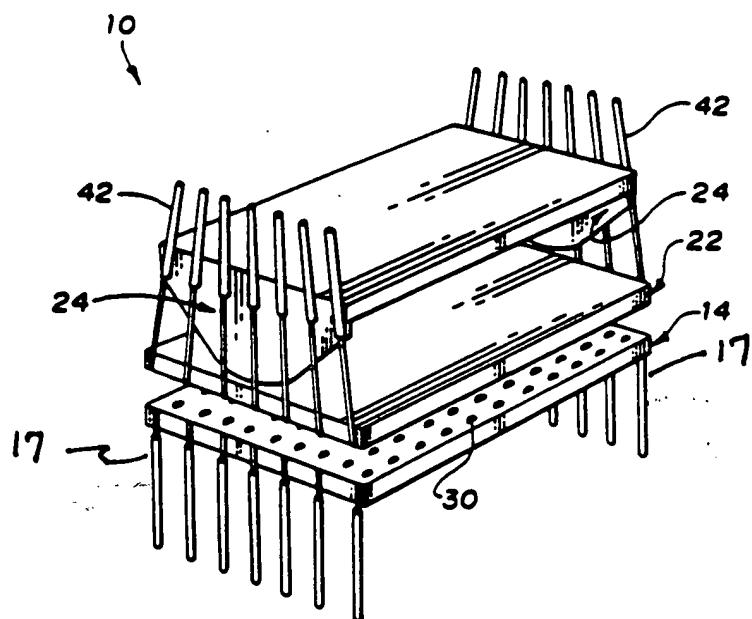


Fig. 5

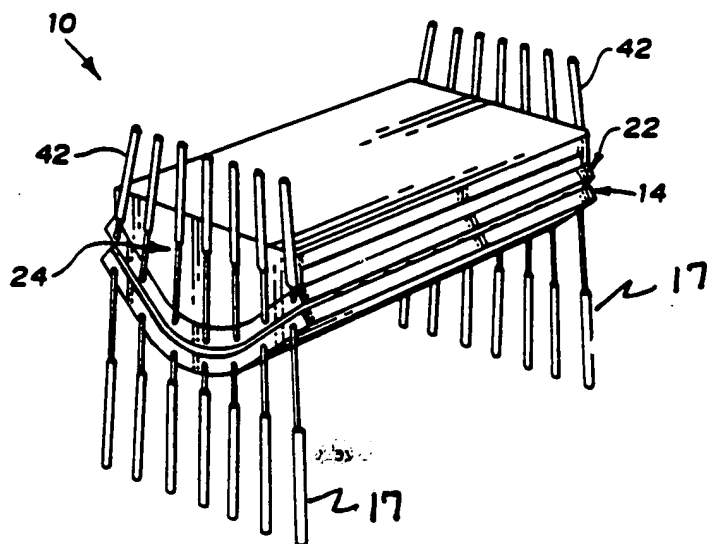


Fig. 6

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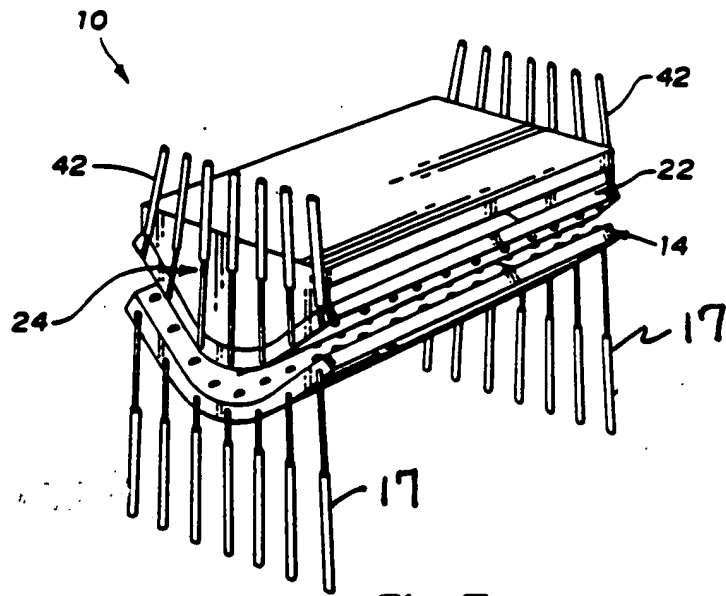


Fig. 7

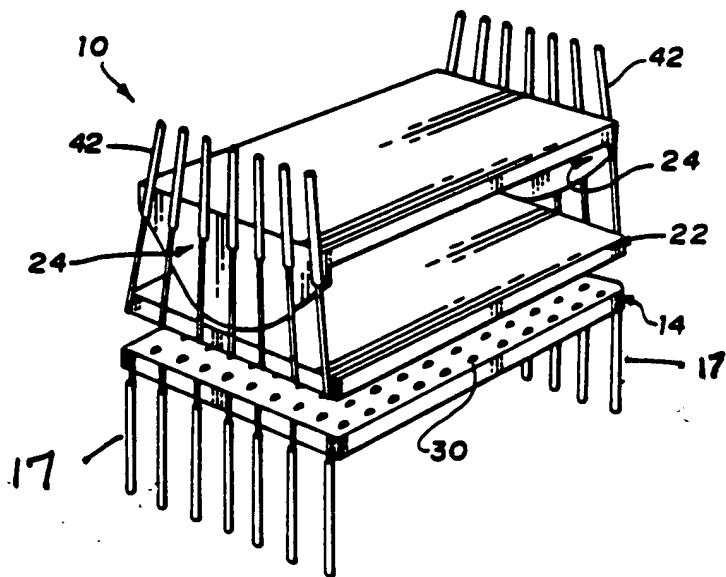


Fig. 8

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HLS  
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